



Office of the Attorney General
Washington, D. C. 20530

August 31, 2020

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL
THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
THE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE
THE ASSISTANT ATTORNEY GENERAL FOR
NATIONAL SECURITY
THE ASSISTANT ATTORNEY GENERAL FOR
ADMINISTRATION

FROM: THE ATTORNEY GENERAL *W.P. Barr*

SUBJECT: Augmenting the Internal Compliance Functions of the Federal Bureau of Investigation

A robust internal compliance program is critical to ensure faithful compliance with the laws, policies, and procedures that govern agency activities. The Office of Integrity and Compliance (“OIC”) and the Inspection Division (“INSD”) of the Federal Bureau of Investigation (“FBI”) currently have responsibility for internal compliance and internal investigations within the FBI. To enhance the FBI’s existing compliance efforts, the Director of the FBI is taking steps to build a more robust and exacting internal audit capability, including the creation of an office focused on auditing the FBI’s national security activities. To support that effort, I hereby authorize the Director of the FBI to commence the process of establishing, consistent with law and policy, the Office of Internal Auditing (“OIA”). A separate office devoted to internal auditing and headed by a senior FBI official will ensure that rigorous and robust auditing, which is an essential ingredient to an effective compliance regime, is carried out. The FBI shall work with the Justice Management Division to make the required reorganization notifications regarding this new office. Once established, OIA shall be led by an Assistant Director who shall have the same reporting chain as the Assistant Director for OIC and the Assistant Director for INSD. The Director of the FBI shall appoint the Assistant Directors for OIC, INSD, and OIA, with the approval of the Deputy Attorney General.

OIC, INSD, and OIA shall be responsible for carrying out the internal compliance functions of the FBI as assigned by the Director of the FBI, who shall ensure that each office does not duplicate responsibilities and is adequately staffed to perform its assigned functions. The Deputy Attorney General and the Assistant Attorney General for Administration shall coordinate with the Director to ensure that those functions are resourced and funded appropriately. The compliance functions of the FBI shall include, but are not limited to, the following responsibilities:

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1. Developing compliance and oversight mechanisms, training, and other internal controls to ensure FBI compliance with applicable Attorney General guidelines, the FBI Domestic Investigations and Operations Guide (“DIOG”), applicable provisions of the Foreign Intelligence Surveillance Act (“FISA”), and other applicable statutes, policies, procedures, and court orders governing the FBI’s national security activities;
2. Conducting routine audits of the FBI’s national security activities to ensure compliance with applicable Attorney General guidelines and the DIOG;
3. Conducting routine audits of the FBI’s use of National Security Letters to determine compliance with applicable statutes, policies, and procedures;
4. Conducting routine audits of the FBI’s compliance with FISA, Foreign Intelligence Surveillance Court orders, and FISA minimization, targeting, and querying procedures;
5. Conducting routine audits of the measures taken by the FBI to ensure the accuracy and completeness of FISA applications;
6. Assessing on a routine basis the efficacy of FISA minimization, targeting, and querying procedures adopted by the Attorney General, as well as the efficacy of any corrective measures, including the enhanced training and revised FISA request, FISA verification, and confidential human source forms adopted by the Director of the FBI;
7. Assessing on a routine basis whether there are sufficient processes in place to ensure that the National Security Division (“NSD”) is timely notified of applicable investigations, as required by the Attorney General Guidelines for Domestic FBI Operations;
8. Recommending remediation measures to the Director of the FBI, as appropriate, for any identified compliance incidents, including those identified by the NSD or a federal court;
9. Assessing on a routine basis trends in FBI compliance with applicable statutes, policies, procedures, and court orders governing the FBI’s national security activities, and developing recommendations to enhance compliance, including recommendations with respect to disciplinary policies and procedures; and

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10. Reporting the findings of audits or assessments through the Director of the FBI to the Deputy Attorney General and, as applicable, the Assistant Attorney General for National Security, and providing any recommendations to improve policies, procedures, training, and internal compliance controls.

Within 60 days of the date of this memorandum, the Director of the FBI shall provide the Attorney General and Deputy Attorney General a status report on the implementation of this memorandum, including an assessment of whether the FBI's implementation plans will satisfy the requirements of this memorandum.

The Department of Justice Inspector General has agreed to assess the implementation of this memorandum ("initial assessment") no sooner than 18 months after the establishment of OIA and to report such assessment, consistent with the Inspector General Act, to the Attorney General, Deputy Attorney General, Director of the FBI, and Assistant Attorney General for National Security. The Inspector General has further agreed to conduct a subsequent assessment no later than five years after the initial assessment, and periodically thereafter as determined by the Inspector General, and to report such assessments, consistent with the Inspector General Act, to the Attorney General, Deputy Attorney General, Director of the FBI, and Assistant Attorney General for National Security.

Within 60 days of the date of the Inspector General's initial assessment, the Director of the FBI shall provide the Attorney General and Deputy Attorney General an assessment of the implementation of this memorandum, including an assessment of the effectiveness of the FBI's compliance structure and whether compliance functions should be consolidated under an Executive Assistant Director.

In addition, the Inspector General has agreed to conduct, within one year of the date of this memorandum, a comprehensive review of the roles and responsibilities of the FBI Office of General Counsel ("OGC") in overseeing compliance with applicable laws, policies, and procedures relating to the FBI's national security activities. The Inspector General has agreed to provide recommendations, if any, on how OGC's roles and responsibilities should be clarified or restructured.

This memorandum shall be implemented consistent with applicable law and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.